

**MINUTES OF THE APRIL 22, 2004 MEETING OF THE
EASTERN SNAKE PLAIN AQUIFER WORKING GROUP
EXPANDED NATURAL RESOURCES INTERIM COMMITTEE
9:30 a.m. to 5:15 p.m. Burley City Hall, Burley Idaho**

The meeting was called to order at 9:30 a.m. by Co-Chairman, Representative Dell Raybould. The following working group members were present: Co-Chairman, Senator Laird Noh, Senator Don Burtenshaw, Senator Stan Williams, Senator Brent Hill, Senator Dean Cameron, Senator Clint Stennett, Representative Maxine Bell, Representative JoAn Wood, Representative Wendy Jaquet, and Representative Jack Barraclough. Representative Tim Ridinger was absent and excused. Other committee members present were: Senator Bob Geddes, Representative Scott Bedke, Representative Burt Stevenson, and Representative Pete Nielsen. Representative JoAn Wood recorded the minutes.

Additional parties in attendance are set forth in sign up sheets maintained in the records of Legislative Services, marked as Attachment "A" of these minutes.

Representative Raybould indicated that the focus of the meeting would be to review information and conduct a discussion relating to the underground aquifer and aquifer recharge. Senator Noh noted that he talked with officials from the Idaho Association of Counties and Association of Idaho Cities and assured them that the working group wants them to play an active role in its efforts.

The working group discussed the possibility of forming sub groups for the zones in the Snake Plain Aquifer and appointing a spokesperson for each zone.

Senator Noh presented some of the subjects bearing on the study of the working group relating to water supply. He commented that it is important that the group not lose sight of the seriousness of the problem in the ensuing discussions and that the group have an end result in mind as they progress.

Senator Noh then inquired of the group as to the role the professional hydrologists and others should play in the discussions. Clive Strong noted that they need to ask how best do we use the technical and professional people, keeping uppermost the prior appropriation doctrine and other state laws. He continued that he views the technical and legal professionals as defining the problems and possible scenarios or solutions for the working groups, one of the problems being the limited number of persons with the expertise to provide the help needed. Director Dreher noted that his view of how to utilize the technical help we have to deal with probably should start with the recalibration of the ground water model. He indicated that the Department of Water Resources has a group consisting of Chuck Brockway, Charles Brendecke and Greg Sullivan working to guide the reformulation of the model. The new model needs to be well documented and then must be used to run some scenarios to test the model and he believes this needs to be done by late fall.

Senator Noh stated that as the group proceeds to talk about the technical aspects and what studies will be useful to the group, they should also consider the extent of the domestic use, identify critical areas of land needed for recharge and review issues relating to monetary participation.

Senator Cameron commented that he would like the group to determine the state's position on the expansion of the Minidoka Dam. He noted that a local group was looking at recharge issues and trying to determine whether projects occurring across county lines could open up some county sources for funding.

Senator Noh added that additional items should include the important issue raised by Speaker Newcomb as to whether the state should attempt to acquire some of the high lift pumping farmers' water rights by the Idaho Water Resources Board. Representative Bedke commented on the situation with the Southwest Irrigation project and inquired whether the group was suggesting that recharge districts would buy land. Representative Raybould indicated that was not the suggestion but that, possibly, they might be able to help put certain land in CRP.

Representative Raybould continued that the group should look at the four zones of the aquifer and the effect of any recharge in any of those areas in terms of the priorities set by the group. He reiterated that due to drought, reservoirs are at record lows this year everywhere, especially in the Upper Snake River Valley.

Representative Jack Barraclough, a hydrologist himself, noted that it is important to recognize this is not just a recent problem. Since 1960, when groundwater pumping began in earnest and there were intermittent drought years, a lot of studies have already been done. The work from previous years should be a starting point and incorporated into the group's work. Senator Noh noted that Kay Hardy brought much of that information for the group members which she obtained from the Department of Water Resources.

Representative Raybould inquired as to whether any of the working group members had additional comments.

Senator Williams responded that the group may have to look at the expansion of the working group to deal with long term solutions.

Senator Geddes noted a concern about the search for solutions statewide and possible costs. He went on to state that a lot of effort has been put forth over the years and certain people and groups have stepped up and worked on projects funded out of their own pockets. Before taxpayers' dollars are spent on one problem in the long term scheme of a statewide solution, there needs to be some equity recognized in those efforts, past investments and past work.

Representative Barraclough spoke of some of the specific work that was done in relation to INEEL since 1951.

Representative Raybould reminded the group that it has limited resources, in both time and money, so that kind of information supplied by the federal government would be welcome.

Albert Lockwood, Committee of Nine, noted that there are a lot of good recharge sites, some of which are on BLM ground. The sites are identified but the problem is that there is a lack of water. Recharge out of the Snake River is largely impossible. Surface water users have engaged in conservation practices and ground water users have to look at such measures as well.

Dale Rockwood, Committee of Nine, remarked that this drought is not the only time that the state has faced severe shortages. He recalled that there were severe shortages in 1972 and again in 1998 followed by the largest flood the state has seen in years. The legislature may need to implement a system of restraint on domestic use for such things as parks and civic systems.

Roger Ling, an attorney representing irrigators, commented that the issue is not just the springs, that we are faced with a "sick" aquifer. He stated it may be short sighted to think we could manage different areas of the aquifer separately. He provided the group with copies of a graph reflecting an A & B Irrigation District Average Low July Pumping Depth study from 1959-2003, a copy of which is maintained in the records of Legislative Services as Attachment "C" of these minutes. He continued that drought is the problem for the entire Upper Snake Plain and he believes that use has little impact.

Dan Steenson, attorney for Clear Lakes Trout Co., stated that he participated in negotiating the present agreement that resulted after the call was placed. He said that the agreement says that there will be immediate relief and funds provided. During the interim a long-term plan is to be established and in place by late fall. Those concepts have been integrated in the agreement. He noted that he believes the work the group needs to prepare is legislation and a handbook for everyone. Everyone involved needs to be working with the congressional delegation for drought relief so they can demonstrate progress this year. He continued that there is a need for immediate and intermediate water projects, both large and small. The group needs to find a structure so each of the stated components can be pursued and the group can move on to long-term planning.

Senator Noh acknowledged Bill Jones, spokesman for the Thousand Springs Reach Advisory Group, Inc., which was organized to accept and manage the money from the pumpers as specified in the agreement. He noted that he hopes the group can make progress and good use of the money allocated by the legislature pursuant to the agreement. The group wants to work with the committee and is interested in all things associated with recharge.

Clear Spring CEO, Larry Cope, noted that he believes the group needs to identify the magnitude of the problem relating to over appropriation of the aquifer. The group needs to take a hard look at what needs to be accomplished to bring about the health of the aquifer. Conservation efforts need to be looked at. He asked where they will be in the future if nothing changes and how will success be measured. Health of the aquifer is the real measure, not how much was spent.

Glen Larson, City of Twin Falls, noted that the city is actively working for solutions to water shortages.

Don Hale, Committee of Nine, commented that surface water users trying to implement

conservation measures which they have been charged to do, are contributing to the problem of a limited recharge. They are using polymer to line their canals so they can retain and slow down the loss out of the canals. They are not doing that to stop recharge but because they need to do it to provide their water rights to their users. There is a real conundrum. If they conserve, they affect recharge and it dramatically affects all wells.

Dick Rush, IACI, noted that the issue is not only farm interests but also manufacturing and business. There is a moratorium on any new wells for manufacturing as well as for farming. This affects the entire economy.

Representative Raybould suggested the group put together a list of short-term and long-term issues for consideration. The list should include such matters as water supply, water management, how to minimize the drain on the aquifer, recharge opportunities that are short term such as finding local sites for immediate recharge, intermediate such as ground water conservation and long-term opportunities need to be plotted for maximum benefit. Funding issues also have to be discussed.

Vince Alberti, Twin Falls, asked the group to consider conversion of sprinklers from underground to surface supplies.

Senator Geddes expressed the opinion that the group needs to explore the federal government revolving fund of one billion dollars for drought relief. He requested that the committee contact the congressional delegation seeking the delegation's help on drought relief and make a request to the Governor to petition for the available funds.

Charlie Barnes from Senator Mike Crapo's office, noted that the Senator would welcome such a request for disaster relief and that it go to the Secretary of Agriculture as soon as possible. They would fax the request from their Boise office as soon as they had it in hand. The Co-Chairmen conferred with Clive Strong and he agreed to draft a letter for immediate request to the delegation.

Lynn Tominaga suggested that the group consider the educational components of keeping the public informed as well as the interested parties as the group moves along.

Representative Raybould reiterated the initial benchmarks that were set:

1. The effect of the aquifer water levels (methods for enhancing water supply and recharge);
2. Water use efficiencies. Determine whether we are wasting water and, if so, where can that be improved;
3. Reduction of ground water use. Determine whether water use needs to be reduced in critical areas?

Jay Engstrom, Department of Commerce, submitted a working paper the Department prepared, a copy of which is available in the records of the Legislative Services Office marked as Attachment "D" to these minutes. The document was prepared for eligibility requirements for

the grants available from the \$500,000 allocated from the state to aid the affected water users in the Hagerman dispute negotiation.

Ron Carlsen, water master for Water District No. 1 in the Upper Snake, stated that the 2004 water supply was one of the shortest water supplies on record.

Director Dreher informed the committee that extra staff has been hired. A test well near Clear Lake is being worked on. In addition, the Governor's staff has appointed one person to work with the group and an executive order has been issued. The Department has not yet initiated rulemaking and will wait for the working group to make some additional progress.

The meeting broke for lunch at noon and reconvened at 1:30 p.m. for a technical review of the Snake River Plain by technical representatives of both surface and ground water users.

Director Dreher provided two points of clarification to remarks he made in Boise on April 9 in describing the Eastern Snake Plain Aquifer (ESPA). The ESPA is one aquifer system and is not comprised of separate aquifers. Geologic features, such as what is commonly referred to as the "Mud Lake barrier," are not impermeable barriers but are zones where the hydraulic conductivity is significantly less than the general conductivity for the aquifer. Another zone where the hydraulic conductivity is significantly less due to faulting is the so-called "Great Rift." He also provided a clarification relating to the water budget he presented in Boise corresponding to the steady-state calibration period for the new ground water model. Ground water levels at the beginning of the steady-state calibration period (1982) were essentially the same as at the end of the calibration period (2000). Therefore, there was no significant change in the amount of ground water in storage in the aquifer between the beginning of the calibration period and the end of the calibration period, and no change in storage was shown in the water budget presented in Boise. Prior to this calibration period and during the drought years subsequent to the end of the calibration period, ground water levels have declined and the amount of ground water in storage in the aquifer has decreased, along with spring discharges.

Chuck Brendeke presented a technical review of the Snake River Plain. A copy of his presentation material is available in the Legislative Services Office, marked as Attachment "B" to these minutes. The presentation reviewed the history of development and water use in the State of Idaho. Since 1962, ground water rights and hydro power, in particular, have had the largest impact on the springs. He specifically noted the following factors to be considered relating to use of the aquifer as a major system reservoir: Improve water delivery and distribution capabilities, support conversions back to surface water irrigation systems, allow for set asides and land retirement without forfeitures, promote managed recharge, promote water re use, develop more comprehensive water accounting, commit to active management for the long term, consider zone management as related to aquifer management as a whole.

Chuck Brockway, hydrologist, showed slides and discussed the old models that were used in water studies in the past. He indicated that there are two objectives; the short-term objective of mitigating the historical pumping impact on the springs with a priority of stabilizing the decline in the springs and the long-term objective of putting a plan in place to restore the whole aquifer. He noted that it is his opinion that the state will not get back to pre-1960

conditions.

David Blew, IDWR, prepared a slide presentation for the committee. A copy of his presentation material is available in the Legislative Services Office, marked as Attachment “E” to these minutes. He noted that if large scale managed recharge was easy, we would have already done it. He went on to state that in the event the state wanted to conduct recharge in the Thousand Springs area, there are two major recharge locations, the North Side Canal and Milner/Gooding. The state would need federal permission in the event recharge sites are located on BLM ground. He also discussed the cost of recharge, the canal capacity for recharge and the huge issue of water availability. There are ESA impact concerns to consider. In working with the Bureau of Reclamation, the state needs to have an organizational structure in place and secure funding as well as show operational stability and dependable monitoring.

Albert Lockwood, Committee of Nine, commented that they spent most of the winter revamping the water rental pool. There is no recharge water in the system right now. We have used all the water.

Ron Carlsen, Dept. Of Water Resources, Upper Valley Master, stated that last year we reached the lowest point in the reservoirs ever seen. Levels may be lower this year than last year.

Rich Rigby, Bureau of Reclamation, noted that he thinks it’s important to remember that when the Bureau is involved and has to do anything that the group has to go through the NEPA process and that brings up the ESA and flow augmentation.

Brian Higgs stated as a hydrogeologist, that the group needs to remember a model is an administrative tool, you already have some data available from the INEEL. Benchmarks need to be hard numbers, not just policies. We need to increase storage or curtail use. Rep. Barraclough, agreed.

Representative Raybould asked the committee members for their input to the report that will be submitted to the Expanded Natural Resources Interim Committee. Those comments are reflected in the report as follows:

Rep. Jaquet	The information heard today is complex and the full committee needs to be educated. Recharge is not the only answer, other issues need to be addressed.
Rep. Bell	We need to start now so we will be ready when water becomes available. We need the model ready. Recharge aquifer zones that will give quick relief to spring users.
Rep Barraclough	We need sites that will give relief as soon as possible. Long term sites need to be developed that will accept large quantities of water. The 1997 flood was a good example of periodic availability of large quantities of water.
Rep. Wood	Full committee should read the full minutes of this meeting to begin to understand the magnitude of the problem and possible solutions.
Rep. Bedke	We will have to explore other avenues of solutions, including irrigated

CPR. It is obvious that we cannot restore the aquifer to 1950 levels. We need to pursue all avenues of relief now.

Sen. Cameron We need to prepare for when we do have water for recharge. It may take up to three years to develop funding from whatever sources. Domestic and industrial users must play a part.

Sen. Burtenshaw We need to be better water managers. It could be possible to move water from our reservoirs to the aquifer to save evaporation losses and then pump to the rivers when needed.

Sen. Williams Mitigation costs must be a part of the recharge commitment. Domestic users must fit into the recovery program.

Sen. Hill After reviewing this report and the minutes of this meeting, the full committee should establish goals and benchmarks for the working group to address.

Rep. Stevenson What government agency should take charge? City and local people need to be involved in their part of the solution, including costs.

Sen. Stennett Although the long term goal should be to heal the aquifer, the immediate goal should be to use recharge sites at Wendell and irrigation conversions for the short-term benefits. Long-term we need recharge sites that can accommodate large amounts of water quickly.

Rep. Nielsen We should use facilities that are in place now, such as the North Side Canal and possibly shift from underground to surface irrigation in the area above the canyon rim. All citizens of the state should participate in the costs of reclaiming all of our aquifers.

Sen. Noh We have to have the cooperation of the federal agencies. Representatives of the BOR are already scheduled for the full committee meeting on May 6. Because of ESA requirements and NEPA assessments that can take a considerable time, we need to proceed as quickly as possible with requests.

Rep. Raybould We have limited time and financial resources so we have to use all of the information available at this time to develop short-term remedies. We should proceed as quickly as possible in approaching the BOR about increasing the storage capacity of Minidoka Dam by about 50,000 acre feet to be used for recharge. All information that we have or can secure will be posted on the Interim Committee web site under the Department of Water Resources home page. We need to address the problem of a conflict between Idaho Power water rights and our ability to use any water, other than reservoir water, for recharge. It is recommended that these negotiations with Idaho Power begin at once.

Representative Bedke asked whether we could go back to the state of the aquifer twenty years ago if we took all the recharge sites mentioned and got them all up and functioning. Chuck Brockway, in response, indicated that we cannot totally restore the previous average flow past Milner.

Senator Barraclough made some comments regarding the technical aspects of recharge.

Senator Burtenshaw noted that better water management might suggest pumping the tail water back and commented on evaporation loss.

Senator Williams noted that when the group looks at mitigation costs, whether cities and industries and domestic wells would be sharing the costs.

Representative Stevenson noted that when the group plans the recharge facilities and mitigation it must include local input and local governments in the planning process.

Representative Raybould and Senator Noh made closing remarks and the meeting was adjourned at 5:15 p.m.